



LUMMI INDIAN BUSINESS COUNCIL

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Natural Resources Department. Fax: (360) 380-6989

2022-20 SEA CUCUMBERS REGULATION

Filing Date: 2/23/2022

Supersedes Reg: 2022-17

Filing Organization: Lummi

EFFECTIVE DATES:	Effective from February 23 2022 to July 31 2022, or until superseded or Treaty harvest is taken
AREAS	<p>The Marine Areas of Northern Puget Sound from the Canadian Border south to the environs of Seattle, including Washington State Marine Fish and Shellfish Catch Reporting and Management Areas 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 25A, 25B, 25D and 26AW, except those portions of 23A, 23B and 25A south and west of a line from Trial Island light (off Victoria, BC) to vessel traffic lane buoy "R" (between Hein Bank and Dungeness Spit) to the Point Wilson light.</p> <p>This regulation opens a portion of the Lummi Nation usual and accustomed fishing grounds and stations (U&A). It is not, and should not be taken as, a statement of the limits of Lummi's U&A</p>
SPECIES	Sea Cucumber (<i>Parastichopus californicus</i>)
LEGAL GEAR	Restricted to individual hand-harvest by divers
COMMERCIAL SEASON AND OPEN DAYS	<p>In recent years, the tribal harvesting parties have worked cooperatively to set harvest schedules that extend opportunity and provide a margin of safety for harvest divers while maintaining a consistent demand for their product in the marketplace. The opening and closing dates identified below are subject to change pending similar cooperation among the tribal harvesting parties.</p> <p>District 1 OPEN: 8:00 a.m., Wednesday, February 23, 2022 CLOSE: 4:30 p.m. Friday, February 25, 2022, or until tribal share of quota taken, whichever comes first.</p> <p>OPEN: 8:00 a.m., Monday, February 28, 2022 CLOSE: 4:30 p.m. Monday, February 28, 2022, or until tribal share of quota taken, whichever comes first.</p> <p>District 2-1 OPEN: 8:00 a.m., Wednesday, February 23, 2022 CLOSE: 4:30 p.m. Thursday, February 24, 2022, or until tribal share of quota taken, whichever comes first.</p> <p>OPEN: 8:00 a.m., Monday, February 28, 2022 CLOSE: 4:30 p.m. Monday, February 28, 2022, or until tribal share of quota taken, whichever comes first.</p> <p>District 2-2 Closed for accurate catch accounting.</p> <p>District 3 Closed for conservation purposes per co-manager agreement.</p>
TARGET HARVEST	<p>District 1: ~88,000 lb District 2-1: ~36,000 lb District 2-2: ~2,600 lb District 3: Closed</p>
EXPECTED EFFORT	8 boats; 16 divers
RESTRICTIONS	<ol style="list-style-type: none">1. The February 2019 version of the Lummi Nation Commercial Harvest Diving Standards (hereafter, the standards) must be observed pursuant to Regulation 2019-09.2. Parties participating in dive harvest operations must be classified by the Lummi Natural Resources Department (LNR) pursuant to the standards and Regulation 2019-09.3. The minimum crew size is three; however, more fishers are allowed as per the Natural Resources Code (Title 10). At least three of the fishers participating in commercial harvest diving operations must be classified by LNR pursuant to the LNR Commercial Harvest Diving Standards. These three fishers should have in their possession their current diving/hose tending classification cards issued by LNR. Eligibility to participate in a Lummi commercial harvest diving operation can also be confirmed through the LNR fishing database and/or by

- contacting the LNR Diving Safety Administrator at 360-312-2316.
4. All commercial harvest divers must have in their possession valid sea cucumber harvest validation stickers issued by LNR.
 5. Harvest is restricted to daylight hours only, i.e., diving activities must take place between official sunrise and sunset, unless otherwise posted in this regulation.
 6. Sea cucumbers must be harvested by methods that do not penetrate the bodies of the animals.
 7. Shipboard logs (e.g., harvest log and/or dive log) must be available for inspection by authorized LNR staff, LNR Enforcement, and other parties authorized by the LNR Director.
 8. All sea cucumbers harvested must be sold to a Lummi Indian Business Council (LIBC)-licensed and bonded buyer who must submit shellfish receiving tickets to LNR in a timely manner, adhering to its written agreement with LIBC.
 9. Harvests of sea cucumbers shall be monitored through shellfish receiving tickets to ensure that landings by tribal harvesters do not exceed the agreed allocations.
 10. By prior co-manager agreement, the fishery will be closed from March 1, 2022 through June 30, 2022 to protect the peak spawning period of sea cucumbers.
 11. The following areas are closed to the commercial harvest of sea cucumbers:
 - a) Argyle Lagoon: Those University of Washington-owned tidelands and bedlands enclosed by the inner spit of Argyle Lagoon on San Juan Island.
 - b) Those waters of San Juan Channel and Upright Channel within the following lines: South of a line projected from Flat Point on Lopez Island due west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island; north of a line from Flat Point on Lopez Island to the northernmost point of Turn Island and thence projected due west to San Juan Island.
 - c) Those waters of Haro Strait north of a line projected due west from the southernmost point of Cattle Point on San Juan Island to the international border, and south of a line projected due west from a point one-quarter mile north of Lime Kiln Light on San Juan Island to the international border.

ADDITIONAL RESTRICTIONS RELATED TO COVID 19 PANDEMIC

12. By a unanimous vote of six representatives from upper management at LNR and the Lummi Fisheries and Natural Resources Commission on July 29, 2020, participants in the 2020-2021 sea cucumber fishery are strongly encouraged to follow the web-posted coronavirus (COVID 19) health and safety guidelines provided by the Lummi Public Health Team (final document of record dated May 14, 2020).
13. While most health and safety guidelines are identified in the Lummi Public Health Team document of record, others may be disseminated to the fleet via text, website, or other related communications. These measures are being adopted to ensure appropriate social-distancing and to reduce the risk of transmission between fishers and buyer and buyer's employees.
14. Sharing of diver masks and related gear between divers is strongly discouraged. Should sharing of equipment occur, it is highly recommended that affected divers be tested for COVID 19 at the Lummi Tribal Health Center, or the designated facility, as soon as possible after the fishery. Results may not be available for 2 or 3 days.
15. Commercial harvest diving crews will practice appropriate social-distancing, wear face masks and gloves, and minimize double-handling of equipment whenever possible, to reduce the risk of COVID 19 transmission.
16. Finally, all participating crew members agree to practice social-distancing with their families and households. If anyone develops COVID-19 symptoms, the crew member is to call the Public Health phone line immediately (360-383-8251) to report symptoms and to undergo screening for further testing.

JUSTIFICATION

This regulation is a notice to proceed with harvest according to the co-manager agreement for the 2021-22 Puget Sound Sea Cucumber Harvest Management Plan and is promulgated pursuant to Chapter 10.6 of the Lummi Law and Order Code.